

SENATE JOURNAL

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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 24, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Darrington, Gannon, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kent Johnson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 23, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1468** and **S 1469** have been correctly printed.

DARRINGTON, Chairman

S 1468 was referred to the Local Government and Taxation Committee.

S 1469 was referred to the Finance Committee.

March 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** and order them transmitted to the House for the signature of the Speaker.

Senators Darrington and Stegner were recorded present at this order of business.

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1441**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1441, as amended, was filed for first reading.

March 24, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1441** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 23, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 771, H 772, H 773, H 774**, and **H 775** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

WILLIAMS, Chairman

H 771, H 772, H 773, H 774, and **H 775** were filed for second reading.

March 23, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 784** with the recommendation that it do pass.

ANDREASON, Chairman

H 784 was filed for second reading.

March 23, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 655** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **H 655** was referred to the Fourteenth Order of Business, General Calendar.

Senators Cameron, Gannon, and Sweet were recorded present at this order of business.

March 23, 2006

The FINANCE Committee reports out **H 829, H 830, and H 831** with the recommendation that they do pass.

CAMERON, Chairman

H 829, H 830, and H 831 were filed for second reading.

March 23, 2006

The HEALTH AND WELFARE Committee reports out **HCR 50**, as amended, with the recommendation that it do pass.

COMPTON, Chairman

HCR 50, as amended, was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2006

The FINANCE Committee reports out **S 1469** with the recommendation that it do pass.

CAMERON, Chairman

S 1469 was filed for second reading.

March 23, 2006

The EDUCATION Committee reports out **H 750**, as amended, with the recommendation that it do pass.

GOEDDE, Chairman

H 750, as amended, was filed for second reading.

March 24, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 763, H 796, H 764, H 728, H 780, H 781, H 474**, as amended, and **H 745** with the recommendation that they do pass.

BUNDERSON, Chairman

H 763, H 796, H 764, H 728, H 780, H 781, H 474, as amended, and **H 745** were filed for second reading.

President Risch assumed the Chair.

March 24, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 508** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 508** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 22, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1251, S 1252, S 1256, S 1258, S 1259, S 1260,
S 1268, S 1269, S 1270, S 1271, S 1272, S 1299,
S 1301, S 1302, S 1303, S 1304, S 1311, S 1317,
S 1319, S 1323, S 1324, S 1335, S 1347, S 1348,
S 1360, S 1383, S 1385, S 1391, S 1396**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 23, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1375, S 1362, S 1316

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2006

Mr. President:

I transmit herewith **H 816, H 820, and HCR 63** which have passed the House.

JUKER, Chief Clerk

H 816, H 820, and HCR 63 were filed for first reading.

March 23, 2006

March 23, 2006

Mr. President:

I return herewith **S 1449, S 1450, S 1451, S 1452, S 1334, S 1399, and S 1395**, as amended, which have passed the House.

JUKER, Chief Clerk

S 1449, S 1450, S 1451, S 1452, S 1334, S 1399, and S 1395, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2006

Mr. President:

I return herewith **S 1275, S 1400**, as amended, **S 1407, S 1409**, as amended, **S 1295, S 1373, S 1411, S 1413, and S 1401** which have passed the House.

JUKER, Chief Clerk

S 1275, S 1400, as amended, **S 1407, S 1409**, as amended, **S 1295, S 1373, S 1411, S 1413, and S 1401** were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2006

Mr. President:

I transmit herewith Enrolled **H 640, H 602**, as amended, **H 762, H 709**, as amended, **H 719**, as amended, **H 738**, as amended, **H 752, H 562**, as amended, **H 513, H 412, H 541, H 638, H 684, H 596, H 492, H 466, H 671**, as amended in the Senate, and **H 497**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 640, H 602**, as amended, **H 762, H 709**, as amended, **H 719**, as amended, **H 738**, as amended, **H 752, H 562**, as amended, **H 513, H 412, H 541, H 638, H 684, H 596, H 492, H 466, H 671**, as amended in the Senate, and **H 497**, as amended in the Senate, and ordered them returned to the House.

March 23, 2006

Mr. President:

I return herewith Enrolled **S 1442, S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1442, S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Mr. President:

I return herewith **S 1408** which has failed to pass the House.

JUKER, Chief Clerk

S 1408 was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Brent Baker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Marley, the Gubernatorial appointment of Brent Baker as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HJM 18**, as amended, having been held, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senators Werk, seconded by Senator Gannon, **HJM 18**, as amended, was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HCR 48** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Malepeai, **HCR 48** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 49** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Werk, **HCR 49** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 51** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, **HCR 51** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 52** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Werk, **HCR 52** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 53** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Keough, seconded by Senator Kelly, **HCR 53** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1363**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1363**, as amended in the House?"

On request by Senator Andreason, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1363**, as amended in the House.

S 1363, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1300**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1300**, as amended, as amended in the House?"

On request by Senator Lodge, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1300**, as amended, as amended in the House.

S 1363, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1470

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2007.

S 1471

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY MENTAL HEALTH PROGRAM FOR FISCAL YEARS 2007 AND 2008; RECOGNIZING THE RECOMMENDATIONS OF THE MENTAL HEALTH TASK

FORCE; RECOGNIZING THE RECOMMENDATIONS OF THE MENTAL HEALTH FACILITIES DEVELOPMENT PLAN; AND PROVIDING GUIDANCE TO THE DEPARTMENT OF HEALTH AND WELFARE TO COORDINATE PLANNING ON THE USE OF THE FUNDING.

S 1470 and **S 1471** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1441, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 816, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 820, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

HCR 63, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 817, H 818, H 826, H 827, and H 828, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1453, by State Affairs Committee, was read the second time at length and filed for third reading.

H 663, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 742, as amended, by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

S 1438, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1464, S 1465, S 1466, and S 1467, by Finance Committee, were read the second time at length and filed for third reading.

H 705, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 735, as amended, and **H 758**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 731, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 713, as amended, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

H 561, as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 770, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

S 1389, as amended in the House, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1456, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 34.

NAYS--Stennett. Total - 1.

Total - 35.

Whereupon the President declared **S 1456** passed, title was approved, and the bill ordered transmitted to the House.

S 1458 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1458** passed, title was approved, and the bill ordered transmitted to the House.

S 1459 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1459** passed, title was approved, and the bill ordered transmitted to the House.

S 1460 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1460** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1461 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1461** passed, title was approved, and the bill ordered transmitted to the House.

S 1463 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1463** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1377 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Andreason and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Clark (Burkett), Coiner, Corder, Fulcher, Gannon, Goedde, Kelly, Langhorst, Little, Malepeai, Marley, Stennett, Sweet, Werk. Total - 16.

NAYS--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Hill, Jorgenson, Keough, Lodge, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 18.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared that **S 1377** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11 a.m., Monday, March 27, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary